IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3504 of 2004

For Approval and Signature:

HONOURABLE MR. JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE MD SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

M.C. VERMA RETD. DIRECTOR RTTC, AM - Petitioner(s)
Versus
UNION OF INDIA & 2 - Respondent(s)

==========

Appearance :
MR MS TRIVEDI for Petitioner(s) : 1,MR RAJENDRA M DESAI for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1 - 2.
MR BN DOCTOR for Respondent(s) : 2,
MS PAURAMI B SHETH for Respondent(s) : 3,

==========

CORAM : HONOURABLE MR. JUSTICE B.J.SHETHNA

and

HONOURABLE MR.JUSTICE MD SHAH

Date : 10/08/2006

ORAL JUDGMENT

(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)

Heard learned Counsel for the parties Ms. Trivedi for the petitioner and Shri B.N.Doctor for the respondent.

Ms. Trivedi for the petitioner places on record the photo-stat copy of the Judgment and Order dated 29.3.2006 passed by the Division Bench of this Court (R.S.Garg & Sharad D.Dave, JJ.) in Special Civil Applications No.11731, 14468 and 2900 of 2004, and submit that this petition is squarely covered in her favour, therefore, this petition be disposed of in terms of the said Judgment and order passed by the Division Bench of this Court and the petitioner be granted 18 % interest on the arrears. Shri Doctor for the respondent conceded that this petition is squarely covered by the aforesaid Judgment, but he submitted that the prayer for interest was never prayed before the Tribunal. It was, for the first time, prayed by the petitioner in this petition and such a prayer was not granted even by the Division Bench of this Court while disposing of those three writ petitions by its common Judgment and order dated 29.3.2006. Therefore, prayer for interest at the rate of 18 % may not be granted.

Having heard the learned Counsel for the parties, we are of the considered opinion that this petition is squarely covered by the common Judgment and Order dated 29.3.2003 passed by the Division Bench of this Court in Special Civil Application No.11731, 14468 and 2900 of 2004 and accordingly it is disposed of in terms of the said Judgment and it

is held that the present petitioner is also entitled for all the retirement benefits and pension. However, the petitioner will not be entitled for any interest on the amount due to him. Accordingly, this petition is allowed in terms of the aforesaid Judgment.

Rule made absolute only to that extent. No order as to costs.

(B.J.SHETHNA,J.)

(M. D. SHAH, J.)

sas